

HAMILTON COUNTY BOARD OF COMMISSIONERS  
JANUARY 9, 2006

The Hamilton County Board of Commissioners met on Monday, January 9, 2006 in the Commissioners Courtroom in the Hamilton County Government and Judicial Center, One Hamilton County Square, Noblesville, Indiana. The Commissioners met in Executive Session in Conference Room 1A at 1:00 p.m. President Altman called the public meeting to order at 2:15 p.m. and declared a quorum present of Commissioner Christine Altman, Commissioner Steven C. Dillinger and Commissioner Steven A. Holt. The Pledge of Allegiance was recited.

**Election of Officers for 2006**

**President**

Dillinger motioned to appoint Steven A. Holt as President for 2006. Altman seconded. Motion carried unanimously.

**Vice President**

Altman motioned to appoint Steven C. Dillinger as Vice President for 2006. Holt seconded. Motion carried unanimously.

**Board of Finance President**

Dillinger motioned to appoint Christine Altman as President of the Hamilton County Board of Finance. Holt seconded. Motion carried unanimously.

**Drainage Board**

Altman motioned to confirm the election of Steven C. Dillinger as Chairman of the Hamilton County Drainage Board, Christine Altman as Vice Chairman and Michael A. Howard as Attorney for 2006 as appointed during this morning's Drainage Board meeting.

**County Attorney**

Altman motioned to appoint Michael A. Howard and Firm as County Attorney. Dillinger seconded. Motion carried unanimously.

**Administrative Assistant to Board of Commissioners**

Dillinger motioned appoint Fred Swift as Administrative Assistant to the Board of Commissioners. Altman seconded. Motion carried unanimously.

**Highway Director**

Dillinger motioned to appoint Brad Davis as Hamilton County Highway Department Director. Altman seconded. Motion carried unanimously.

**Highway Engineer**

Altman motioned to appoint Jim Neal as Hamilton County Highway Engineer. Dillinger seconded. Motion carried unanimously.

**Veteran Service Officer**

Dillinger motioned to appoint Wayne Long as Veteran Service Officer. Altman seconded. Motion carried unanimously.

**Weights and Measures Inspector**

Dillinger motioned to appoint Cary Woodward as Weights and Measures Inspector. Altman seconded. Motion carried unanimously.

**Alcoholic Beverage Board**

Dillinger motioned to appoint Sean Fleck to the Hamilton County Alcoholic Beverage Board. Altman seconded. Motion carried unanimously.

**Cable Complaint Representative**

Dillinger motioned to appoint Fred Swift as Cable Complaint Representative. Altman seconded. Motion carried unanimously.

**Clay Township Regional Waste District**

Altman motioned to appoint William R. Karns to the Clay Township Regional Waste District. Dillinger seconded. Motion carried unanimously.

**Emergency Management Advisory Committee**

Dillinger motioned to appoint Christine Altman to the Hamilton County Emergency Management Advisory Committee. Holt seconded. Motion carried unanimously.

**E-911 Review Board**

Altman motioned to appoint Steven C. Dillinger, Doug Carter, Robin M. Mills and Jerry Larrison to the E-911 Review Board. Dillinger seconded. Motion carried unanimously.

**GIS Committee**

Dillinger motioned to appoint Christine Altman to the GIS Committee. Holt seconded. Motion carried unanimously.

**4-H Board**

Dillinger motioned to appoint Steven A. Holt to the 4-H Board. Altman seconded. Motion carried unanimously.

**Hamilton County Alliance**

Dillinger motioned to appoint Steven A. Holt to the Hamilton County Alliance. Altman seconded. Motion carried unanimously.

**Aviation Commission**

Dillinger motioned to table the appointments to the Hamilton County Aviation Commission. Altman seconded. Motion carried unanimously.

**Board of Health**

Altman motioned to appoint Garrick Mallery and Nancy Blackwell to the Hamilton County Board of Health. Dillinger seconded. Motion carried unanimously.

**Board of Zoning Appeals North**

Altman motioned to appoint Kristin Johnson to the Hamilton County Board of Zoning Appeals North. Dillinger seconded. Motion carried unanimously.

**Board of Zoning Appeals South**

Dillinger motioned to appoint Bill Cooper to the Hamilton County Board of Zoning Appeals South. Altman seconded. Motion carried unanimously.

**Cemetery Commission**

HAMILTON COUNTY BOARD OF COMMISSIONERS  
JANUARY 9, 2006

Dillinger motioned to appoint Marion Hensley to the Hamilton County Cemetery Commission, replacing Joe H. Burgess. Altman seconded. Motion carried unanimously.

**Common Wage Determination Board**

Dillinger motioned to appoint Larry Roudebush, Jim Neal and Dave Burtner to the Hamilton County Common Wage Determination Board. Altman seconded. Motion carried unanimously.

**Plan Commission**

Dillinger motioned to appoint Steven A. Holt to the Hamilton County Plan Commission. Altman seconded. Motion carried unanimously. Dillinger motioned to table the other appointment. Altman seconded. Motion carried unanimously.

**Redevelopment Authority**

Altman motioned to appoint Dave Burtner, Philip L. Conklin and Jeanette Kassebaum to the Hamilton County Redevelopment Authority.

**Redevelopment Commission**

Dillinger motioned to appoint Gary Meunier, Art Levine, Charlotte Swain, Steve Andrews and Bill Crandall to the Hamilton County Redevelopment Commission. Altman seconded. Motion carried unanimously.

**Regional Transportation Authority**

Altman motioned to appoint Judy Levine to the Hamilton County Regional Transportation Authority. Dillinger seconded. Motion carried unanimously.

**Safety Committee**

Dillinger motioned to appoint Christine Altman to the Hamilton County Safety Committee. Holt seconded. Motion carried unanimously.

**Sheriff's Committee**

Altman motioned to appoint Steven C. Dillinger to the Hamilton County Sheriff's Committee. Holt seconded. Motion carried unanimously.

**Visitor and Convention Commission**

Dillinger motioned to appoint Lisa Hanni, Steve Finkel, Donna Prather and Phoebe Williams to the Hamilton County Visitor and Convention Commission. Altman stated Yvonne Todd is not able to serve at this time. Holt seconded. Motion carried. Altman abstained. (Later in the meeting Dillinger motioned to appoint Keith Clock to replace Yvonne Todd. Holt seconded. Motion carried. Altman abstained.)

**Hoosier Heritage Port Authority**

Dillinger motioned to appoint Judy Levine to the Hoosier Heritage Port Authority. Altman seconded. Motion carried unanimously.

**Hoosier Heartland Resource Conservation & Development Council, Inc.**

Dillinger motioned to appoint Charles Kiphart to the Hoosier Heartland Resource Conservation & Development Council with Al Patterson as the alternate. Holt seconded. Motion carried unanimously.

**Humane Society Holding Corporation**

Dillinger motioned to appoint Steven A. Holt to the Hamilton County Humane Society Holding Corporation. Altman seconded. Motion carried unanimously. Altman stated Envoy, Inc. has requested a point of contact during the construction of the animal shelter. Holt will be that contact person.

**IRTIP**

Dillinger motioned to appoint Steven A. Holt to IRTIP with Steven C. Dillinger and Christine Altman as alternates. Altman seconded. Motion carried unanimously.

**Indianapolis Department of Waterworks Service Advisory Board**

Altman motioned to table the appointment to the Indianapolis Department of Waterworks Service Advisory Board. Dillinger seconded. Motion carried unanimously.

**Information Systems Services Board**

Dillinger motioned to appoint Christine Altman to the Hamilton County Information Systems Services Board. Holt seconded. Motion carried unanimously.

**Insurance Committee**

Altman motioned to appoint Steven C. Dillinger, John Elmer, Bob Fearrin to the Hamilton County Insurance Committee. Dillinger seconded. Motion carried unanimously.

**Local Emergency Planning Committee**

Dillinger motioned to appoint Christine Altman to the Hamilton County Local Emergency Planning Committee. Holt seconded. Motion carried unanimously.

**Noblesville Plan Commission**

Dillinger motioned to appoint George Raymond Beason to the Noblesville Plan Commission. Altman seconded. Motion carried unanimously.

**Personnel Committee**

Altman motioned to appoint Steven C. Dillinger to the Hamilton County Personnel Committee. Holt seconded. Motion carried unanimously.

**Property Tax Assessment Board of Appeals**

Dillinger motioned to appoint Doris Beason and Jeff Juday to the Property Tax Assessment Board of Appeals. Altman seconded. Motion carried unanimously.

**Riverview Hospital Board of Trustees**

Altman motioned to appoint Ike Batalis to the Riverview Hospital Board of Trustees. Dillinger seconded. Motion carried unanimously.

**Sheridan Plan Commission**

Altman motioned to appoint Debbie Merriman to the Sheridan Plan Commission. Dillinger seconded. Motion carried unanimously.

**Upper White River Watershed Alliance**

Dillinger motioned to appoint Steven A. Holt to the Upper White River Watershed Alliance. Altman seconded. Motion carried unanimously.

**Approval of Minutes**

Dillinger motioned to approve the December 22, 2005 minutes. Altman seconded. Motion carried unanimously.

HAMILTON COUNTY BOARD OF COMMISSIONERS  
JANUARY 9, 2006

**Executive Session Memorandum**

Dillinger motioned to approve the January 9, 2006 Executive Session Memorandum. Altman seconded. Motion carried unanimously.

**Sheriff Patrol Cars**

Sheriff Doug Carter requested permission to advertise for bids to purchase vehicles for the Sheriff 's Department for 2006. Sheriff Carter stated historically they have purchased vehicles off of the State bid but they would like to keep their business with local companies. He believes there will be an immediate savings by bidding this way and we can still fall back on the State bid if local bids come in higher. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

**Bid Opening [2:31:53]**

**Excess Real Estate - Olio Road & 117th Street**

Mr. Michael Howard opened the bids for excess real estate on Olio Road & 117th Street. One bid was received from Ronald H. Bell in the amount of \$85,000 with a \$500 Cashier's Check. Howard stated statute requires the fiscal body have approval if the appraised value of the property is over \$50,000. This is a small sliver of property which has been appraised by two appraisers. Both appraisals are substantially below the \$50,000 therefore the Commissioners, in their authority, would have the right to accept this bid. Altman motioned to accept the submitted bid. Dillinger seconded. Motion carried unanimously.

**Bid Awards**

**106th Street and Spring Mill Road Improvements**

Mr. Jim Neal recommended award of the bid for the 106th Street and Spring Mill Road improvements be awarded to Rieth-Riley Construction as lowest responsive bidder at \$535,915.97. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

**Fiber Ring - Carmel Clay Communications Center to Westfield [2:33:55]**

Ms. B.J. Casali recommended the bid for the fiber ring from the Carmel Clay Communications Center to Westfield be awarded to Indiana Fiberworks, LLC. It is an aerial route with a cost at \$48,794.00. Altman motioned to approve. Dillinger seconded. Altman asked if there is any possibility in the near future that we will have an economic means to going below ground? Casali stated one of the segments will always be underground. SR 32 and with the exception of a very small portion in downtown Noblesville, is underground and all of Westfield is underground. We can operate all underground if needed. Motion carried unanimously.

**Plat Approval [2:36:33]**

**Little Farms Addition**

Mr. Chris Badger requested approval of the plat and variance request for Little Farms Addition. Mr. Mike McBride stated the City of Carmel had a concern regarding the geo-block in an alley, the design has been revised to a paved alley and Carmel has withdrawn their objection. Altman motioned to approve. Dillinger seconded. Motion carried unanimously. Badger clarified that the motion did include the variance of 50' to 40', which is on the plat.

**106th and Hague Road Bridge [2:38:05]**

Mr. Gary Huff stated 106th Street has been closed due to damage on the culvert located at 106th Street and Hague Road. Fishers has been working with the county highway department to expedite the repair. Mr. James Neal requested the Commissioners declare Small Structure #12001, 106th Street over Cheeney Creek, as an emergency project for replacement. This will allow the highway department to bypass the normal advertising rules in order to receive bids. The intent is to have quotes by January 11, 2006 and award the bid that afternoon or the following morning. Dillinger motioned to declare the bridge an emergency. Altman seconded. Motion carried unanimously. Requests for Quotes will be sent to Beatty Construction, Inc., Duncan Robertson, Inc., George F. Harvey & Son, Inc., and Erber & Milligan, Inc. Howard stated the Commissioners have the right to set a Bid Bond or certified amount in an amount less than 10% of the project. The highway department recommended a Bid Bond or Cashier's Check in the amount of 10%. Altman motioned to lower the bid bond constraints as presented in distributed materials as reported and designate Commissioner Holt, as President, to review and execute the appropriate low bid. Dillinger seconded. Motion carried unanimously. Mr. Brad Davis stated the bid document is requiring the contractor to be done with the project by January 22, 2006. Altman asked if we are going to proceed with design to replace that structure? Davis stated according to the consultant, United Consulting, the repair is permanent and should last for many, many years. Davis thanked United Consulting for their extra work over the weekend in preparing the design and bid documents.

**Highway Business [2:42:59]**

**Road Cut Permits**

Neal requested approval of Open Road Cut Permit, RDCUT 2005-023, for Clay Township Regional Waste District for 13 road cuts at different locations within Deerfield Mall Subdivision. Dillinger motioned to approve. Altman seconded. Altman noted that the request for a variance was tabled during today's Drainage Board meeting, but it should not effect these road cuts. Altman stated a variance is needed for the manhole placement between the sanitary and storm sewers which we may be able to resolve with a commitment that they will cover the county's additional costs if we have to access the storm sewers. They will bring a letter to the Drainage Board making that commitment. Motion carried unanimously.

**Acceptance of Bonds/Letters of Credit - Highway Department**

Neal requested Acceptance of Bonds and Letters of Credit for the highway department. 1) HCHD #B-05-0086 - Fidelity and Deposit Company Performance/Payment Bond No. 08752101 issued on behalf of Hoosier Pride Excavating, Inc. in the sum of \$304,625.98 for the replacement of Bridge No. 104, 226th street over Jones Ditch, Jackson Township to expire December 1, 2007. 2) HCHD #B-05-0087 - Safeco Insurance Company Permit Bond No. 6380772 issued on behalf of KRG Construction, LLC in the sum of \$282,223.50 for the construction of entrances on 146th Street and Gray Road at Bridgewater Marketplace to expire November 29, 2006. 3) HCHD #B-05-0088 - Western Surety Company Permit Bond No. 929359345 issued on behalf of Capital Construction Services, Inc. In the sum of \$5,000 for a commercial drive approach, approximately 465 feet east of centerline of US 421 on north side of Weston Pointe Drive to expire December 14, 2006. 4) HCHD #B-05-0089 - Western Surety Company Permit Bond No. 929359346 issued on behalf of Capital Construction Services, Inc. in the sum of \$5,000 for a commercial drive approach approximately 295 feet east of centerline of US 421 on north side of Weston Pointe Drive to expire December 14, 2006. 5) HCHD #B-05-0090 - The Cincinnati Insurance Company Performance Bond issued on behalf of George R. Harvey and Son, Inc. in the sum of \$198,191.34 for small structure #21040 to expire November 28, 2007. 6) HCHD

HAMILTON COUNTY BOARD OF COMMISSIONERS  
JANUARY 9, 2006

#B-05-0091 - The Cincinnati Insurance Company Payment Bond issued on behalf of George R. Harvey and Son, Inc., in the sum of \$198,191.34 for small structure #21040 to expire November 28, 2007. 7) HCHD #B-05-0092 - Bond Safeguard Insurance Company Subdivision Bond NO. 5020236 issued on behalf of Skjodt Thomas & Associates in the sum of \$31,163.16 for streets and curbs in Little Farms Subdivision to expire December 6, 2007. 8) HCHD #B-05-0093 - Bond Safeguard Insurance Company Subdivision Bond No. 5020237 issued on behalf of Skjodt Thomas & Associates in the sum of 4500 for street signs in Little Farms Subdivision to expire December 6, 2007. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

**Release of Bonds/Letters of Credit - Highway Department**

Neal requested the Release of Bonds and Letters of Credit for the highway department. 1) HCHD #B-00-0109 - The Hanover Insurance Company Permit Bond No. 1678679 issued on behalf of Adelpia Business Solutions of Indiana, L.P., in the sum of \$25,000. Hanover sent an attached cancellation notice for the commissioner's signature. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

**Agreement/Supplements [2:45:53]**

**146th Street Extension Project Engineering Design Supplement #2 - UCE**

Neal requested approval of Supplemental Agreement No. 2, E-03-0002, with United Consulting Engineers & Architects for the 146th Street Extension Project, Engineering design of Phase I. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

**146th Street Extension Project Engineering Supplement #1 - FEBA**

Neal requested approval of Supplemental Agreement No. 1, E-04-0006, with Floyd E. Burroughs & Associates for Engineering Services for the 146th Street Extension Project. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

**146th Street Extension Project Engineering Supplement #2 - ACE**

Neal requested approval of Supplemental Agreement No. 2, HCHD #E-04-0007, with American Consulting, Inc. for the 146th Street Extension Project. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

**146th Street Extension Project Supplement #1 - First Group Engineering**

Neal requested approval of Supplemental Agreement No. 1 HCHD #E-04-0015, with First Group Engineering, Inc. for the 146th Street Extension Project. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

**Bridge #104 Engineering Supplement Agreement #2 - First Group Engineering**

Neal requested approval of Supplemental Agreement No. 2, HCHD #E-98-0038, with First Group Engineering for replacement of Bridge No. 104, carrying East 226th Street over Jones Ditch. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

**Concurrence with Traffic Study Correspondence**

Neal requested approval of the list of correspondence concerning investigations of requests for signage on Hamilton County roads to Gil & Mary Seger - hidden driveway warning sign on 206th Street; Andrew J. Rodewald-Horse Crossing Sign on Strawtown Avenue adjacent to horse park in White River Township; Aileen Petty - Private Drive sign at 133350 E. 186th Street in Wayne Township; Mike Merchant - Street ID Sign upgrade at 216th Street & SR 37 in White River Township; Rich & Lorraine Wallin - relocate speed limit sign on Creekridge Lane in Fall Creek Township; and Lamar Ziegler - No Outlet Sign on Peacemaker Lane in Noblesville Township. Dillinger seconded. Altman seconded. Motion carried unanimously.

**Official Actions [2:49:56]**

**Deepwood Trail at Steeplechase Drive**

Neal requested approval of an Official Action to install regulatory signs on Deepwood Trail at Steeplechase Drive in Clay Township.. Neal stated it appears there was a page missing from their letter and we were unable to investigate all of their concerns. The highway department will contact the sender of the letter. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

**2005 Bridge Inspection Reports**

Neal distributed the 2005 Bridge Inspection and Inventory Report.

**2006 Highway Meetings**

Mr. Brad Davis requested approval of the 2006 schedule of highway staff and commissioner meetings.

**Request to Advertise - Highway Equipment**

Davis requested permission to advertise for the purchase of two dump trucks. Altman motioned to approve the schedule of 2006 highway meetings and to advertise for the dump trucks. Dillinger seconded. Motion carried unanimously.

**Snow Removal**

Holt asked where do we stand with additional forces for snow removal, if necessary? Davis stated we have a list of 18 supplemental drivers we can call if needed. The supplemental drivers have run the routes.

**Unsafe Houses [2:54:30]**

**10460 Combs Avenue - Jennifer L. Essex**

**2411 & 2413 Westfield Road - Zheng, Sai Ping & Zheng Sheng**

Mr. Chuck Kiphart presented the Notice of Orders for unsafe houses located at 10460 Combs Avenue, owned by Jennifer L. Essex and 2411 & 2413 Westfield Road owned by Sai Ping & Zheng Sheng Zheng. Kiphart stated the Order for the Combs Avenue home was to tear down the property or have improvements started. Kiphart stated nothing has changed on the property since the last meeting. Kiphart stated he has spoken with Mrs. Essex and indicated to her that she needed to attend this hearing. The major issue is that a lot of the siding has come off to the studs, particularly in the garage area. They were in the process of taking the old siding off and putting new siding on, the front of the property was completed. The person renting the house was doing that work and he moved out leaving the house the way it was. The doors and windows on the house itself have been boarded up, no one is living in the home. Holt opened the public hearing. No public was present. Holt closed the public hearing. Kiphart recommended tabling the issue and give Mrs. Essex one more chance to come to the meeting. Kiphart will notify Mrs. Essex of the next hearing. Altman suggested we make a determination of whatever action we will take at the next meeting and notice her that it will take place unless she provides evidence as to why it should not. Altman motioned to make it a show cause hearing as to why we should not demolish it and place a lien on the property. Dillinger seconded. Motion carried unanimously.

HAMILTON COUNTY BOARD OF COMMISSIONERS  
JANUARY 9, 2006

Kiphart stated he has spoken with Mr. Jerry Kane, representing the owners of the properties on 2411 & 2413 Westfield Road. No one lives in the properties. They are starting to depreciate, holes in the roof, water backing up in the gutters. Property has not been cleaned up, there is garbage and trash in the houses. The homes were purchased for investment purposes and the owners indicated they would be tearing them down sometime. Right now they are trying to get the property zoned for commercial use. Holt asked if this property presents a public health issue? Kiphart stated they are definitely an attractive nuisance because you can get in to the houses. Kiphart recommended if the other house should be demolished, these houses should be demolished. Holt opened the public hearing. No public was present. Holt closed the public hearing. Altman motioned to handle these two properties in an identical manner as the Combs Avenue property, determining that we will tear them down and put a lien against the property and then issue them a show cause hearing date and proceed in that manner unless they show cause that it should not happen. The show cause hearing will be January 23, 2006. Dillinger seconded. Motion carried unanimously.

**Freedom Ready Mix Rezone [3:01:42]**

Mr. Chuck Kiphart stated the Hamilton County Plan Commission held a public hearing on a rezone of property located at 22171 US 31 North, Cicero, Indiana owned by Chris and April Elbrecht. Matt Skelton is representing the owners. The Plan Commission did recommend approval of the rezone with a vote of 6-yes and 1-no. Mr. Matt Skelton stated the proposal is the change the zoning of the property to allow the erection of a contractor's office and a concrete mixing facility and related ancillary uses. The site is located on the west side of US 31 between 216th Street and 226th Street. Skelton described the site location to the Commissioners. A set of commitments have been incorporated into the ordinance. Uses are limited to what is proposed, concrete contractor's office and concrete mixing facility. The site will be built in compliance with the plan. Existing vegetation along the site perimeter will be preserved to the extent we are not required to move small pieces of it for utility services. The Plan Commission requested dedication of half of the right of way to one day extend the frontage road along the western property line. The Hamilton County Thoroughfare Plan calls for a 40'-50' half right of way. We have agreed up to the 50' half right of way. The language for the commitments have been reviewed by the Plan Commission and the Hamilton County Highway Department. Altman asked if the dedication of right of way is on the ingress/egress portion of the parcel? Skelton stated the Thoroughfare Plan calls for a frontage road that will extend along the western property line. Mr. Jim Neal stated the frontage roads will parallel US 31 from SR 38 to the north. Skelton stated the site has been designed to accommodate that plan. Altman asked if US 31 is developed, was there any right of way exacted to accommodate that expansion or development? Skelton stated the property does not front on US 31, they own an easement that extends to US 31. Altman stated the Plan Commission minutes reflect a concern about the accel/decel lanes given the fact that loaded trucks will be pulling out and aggregate will be delivered. Altman asked Holt how that was addressed at the Plan Commission? Holt stated the dissenting vote was Councilman Schwartz who felt it created a public safety problem and Holt did not think anyone disagreed with him but the State highway department has raised no objection. Skelton stated that they have been in touch with the State highway department and they provided us with their preliminary materials. We know we will have to comply with whatever health and safety standards they have. We have not gotten into the design phase of this project and we are aware there may be some accel/decel restrictions or additions necessary. Holt stated everyone was in agreement that it would be better if this could run on an east/west road where you could have signalization where you get out on US 31. Until the frontage road goes in the site does not present itself with that. Altman asked if they felt there was no recourse? Will there be another opportunity if the State highway department does not require accel or decel lanes in their permitting process? Will there be another opportunity for us to review that situation if we allow this variance? Mr. Mike Howard stated not unless you make it a condition of your approval. INDOT has exclusive jurisdiction. Altman stated it is very disconcerting to her knowing how fast the trucks can accelerate what it could do to the traveling public. Howard stated such a condition would be a substantial amendment which would require they go back to the Plan Commission for concurrence. Holt opened the public hearing. No public comments. Holt closed the public hearing. Altman motioned to approve the rezone with the condition that your client commit to, subject to State approval, installing appropriate acceleration and deceleration lanes as appropriate for the type of commercial use you chose to impose on this parcel. Dillinger seconded. Motion carried unanimously.

**Community Caring Foundation [3:14:19]**

Ms. Judy Levine stated the Council on Aging supports the Community Development Block Grant for the Community Caring Foundation. Mr. Mark McConaghy stated the agreement was tabled at the December 12, 2005 meeting. He has spoken with Sandy Stewart of Primelife Enrichment and there is no duplication of services. Altman motioned to remove the item from the table. Dillinger seconded. Motion carried unanimously. Altman motioned to allow the requested funds from the grant. Dillinger seconded. Motion carried unanimously.

**Administrative Assistant [3:16:22]**

**Voter Registration Lists**

Mr. Fred Swift stated Voter Registration is now separate from the Clerk's office. It was brought to the Clerk's attention that the State Election Board and the Public Access Counselor believe the amount of money being charged for the Voter Registration lists in Hamilton County are higher than they should be. The fee is outlined in a county ordinance. The County Election Board needs to address the distribution of the lists but the Commissioners need to address the amount being charged for the list. The costs should be related to the cost of creating the list. No public comments were made. Altman motioned to suspend the rules to act on this upon single reading. Dillinger seconded. Motion carried unanimously. Altman stated in reviewing the current ordinance it needs to be addressed to reflect current statutes. Altman motioned to amend the fee from \$300.00 to \$30.00. Dillinger seconded. Dillinger asked if the \$30.00 meets the statute? Altman stated it is an electronic record and there is a variance of what can be charged for electronic format. Howard stated it is the cost of reproduction and/or material. Altman stated our current ordinance allows a paper list with so many pages free and then goes on from there. Howard stated you will not be able to provide a paper list for that kind of money, the paper list should be the standard per page charge. Howard stated this should only be for electronic lists and the instructions should be if they want a hard copy it should be a per page charge. Altman stated her motion was for electronic only. Ms. Judy Levine stated she agrees that a candidate should not have to buy the entire lists, we should be able to buy parts of the file. Even though she only represents a portion of the county she has to purchase the entire list for \$300.00. Levine stated this should be sent back to the ISS Policy Board to

HAMILTON COUNTY BOARD OF COMMISSIONERS  
JANUARY 9, 2006

determine what kind of time is used for burning CD's. Altman stated she would like to put it at \$30.00 until legal counsel has a chance to look at the exception for electronic documents and bring an amendment back to the next meeting. Motion carried unanimously.

**Noblesville Township Assistance Appeal [3:24:22]**

Ms. Billie Caldwell, Noblesville Township Trustee, stated Crystal Keith was denied rent assistance by her office. Ms. Keith has not submitted documentation as they requested. Ms. Keith quit her job voluntarily. The Trustee's office did not receive the information so they could determine what they should do. According to IC 12-7-2-200.5 says that they can deny someone assistance for voluntarily terminating a position and failing to complete and submitting monthly reports. They can deny assistance up to 60 days according to IC 12-20-6-5 & 5.5. Caldwell stated Ms. Keith has received a check, which she could have paid her rent from, three weeks before she came to the Trustee's office.

Ms. Crystal Keith, 1492 South 8th Street, Noblesville, stated she thought she had been fired from her job due to being under the stress of her boss being sick. The Welfare department never faxed the information to the Trustee's office as she had requested. Dillinger asked if she had the information now? Keith stated she turned it in to the Welfare office. Caldwell stated they had requested documentation on her unemployment, which they have not received. We did not get any information about whether or not her daughter was on TANF. Caldwell stated she needs a copy of her last pay check. She found out today, through the Welfare department, that she had a copy of the last pay check. Keith stated she turned in everything to the Welfare office. Holt asked why did you turn it in to the Welfare Department when you are asking for help from the Trustee? Keith stated because her daughter is on food stamps. One of the statements was that she had to sign up for unemployment and sign up for food stamps, which she has done. She turned all of the paperwork into her daughter's caseworker. Her intern was to give it to the Trustee's office. She is missing paperwork from her former employer, which she received Friday. It was to be faxed that day from the Welfare office but they did not fax it that day because the State Board of Health was in the office that day. Holt asked Caldwell if they work with the Welfare office and are they responsible to share those documents with her? Caldwell stated the Welfare department is not responsible to us, we just work together. It was Ms. Keith's responsibility to get that information to her. She knew that, it was in writing. Keith stated it was a miscommunication, she thought it had to be turned in to the Welfare office, which is what she did. Holt asked if Keith read what the Trustee's office gave her? Keith stated she did read it, but the way it was explained to her she had to give them to Welfare and they would turn them in to the Trustee's office. Holt asked if Keith took a copy of the instructions with her? Keith stated no. Caldwell showed a copy of the instructions that were given to her. Keith stated she did not get a copy of the instructions. Holt asked Caldwell what the check was that she referred to? Caldwell stated Keith received a check on December 2nd for over \$600, which was her last pay check. She came in to the Trustee's office on December 21st wanting one month's rent of \$410, that check could have paid the rent. Caldwell stated she did not know that information until today when the Welfare department faxed the information. Holt asked what month is the rent for? Caldwell stated December. Holt asked where does January stand? Caldwell stated she does not know, the appeal is for December's rent. Dillinger asked what needs to be done to allow this or is there a way to allow it? Caldwell stated in her book there is no way to allow it, she is denied for 60 days, that is the way the Indiana Code reads. Howard stated she can come back in to the Trustee's office in February. Caldwell stated they have found out from the Welfare office that Keith will not be receiving unemployment. Keith stated she thought she had been fired, their rule was 2 days no show and you are fired. She was stressed to the point that the thought of going back was making her sick. Holt asked if Keith is job searching now? Keith stated she has been searching, she has a couple of prospects. Altman motioned to deny the appeal on the grounds she terminated employment voluntarily and did not produce additional documentation. Dillinger seconded. Motion carried unanimously.

**Administrative Assistant Continued [3:39:06]**

**Request for Use of Commissioner's Courtroom**

Swift stated Kathy Richardson has requested permission to use the Commissioner's Courtroom on February 18, May 2, May 7, and use of the south conference room on April 22 & April 29 and October 28 and November 4. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

**Appointments**

**Cemetery Commission**

Swift stated the Hamilton County Cemetery Commission has asked if Mr. Joe Burgess could be honorarily designated as Chairman Emeritus of the Cemetery Commission. He has served on that Commission for its entirety. Dillinger motioned to approve. Altman seconded. Altman asked Mr. Swift to come up with an appropriate proclamation. Motion carried unanimously.

**Veteran Service Officer**

Swift asked the Holt and Auditor to sign the Veteran Service Officer Appointment forms for the State and requested Diana Lynch be appointed as Deputy Veteran Service Officer. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

**Visitor and Convention Commission**

Swift stated he has researched a recommendation for the Visitor's and Convention Commission and Brenda Myers had recommended Keith Clock for an appointment. Dillinger motioned to approve. Holt seconded. Motion carried unanimously. Altman abstained.

**Delinquent Property Taxes - Employees**

Swift stated the Treasurer's office has submitted a list of Hamilton County employees who are delinquent on their property taxes. Swift requested the Commissioners set a deadline for payment of the taxes or their pay check will be garnished. Dillinger motioned that March 1, 2006 be the deadline. Altman seconded. Motion carried unanimously.

**Surplus Computers**

Swift requested the list of computers that have been retired from service be declared surplus equipment and be given to Senior Connects. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

**Township Trustee Assistance**

Dillinger stated he feels that the Commissioners should give some direction to the Township Trustees regarding assistance appeals. He would like to see some kind of documentation or system to inform the commissioners as to what



HAMILTON COUNTY BOARD OF COMMISSIONERS  
JANUARY 9, 2006

happens prior to their appearing for their appeals. Altman stated she is bothered that we have the resources, as a county, to produce forms in easy language for people to understand that clearly says that if we don't receive this information that you may be denied assistance and have them sign off and/or initial the forms. Dillinger stated he is never comfortable that we don't have enough documentation. Altman stated Township Trustees all have investigators for assistance and she hates to not believe the investigators. Altman stated she would not be opposed to a Resolution from this Board that we will not deny appeals unless the Trustee has produced clear evidence that the proposed client has received a list of all documentation required, understood the documentation, signed it, dated it and it is very clear. Dillinger agreed. Howard will prepare the Resolution stating that the Commissioners want documentation that the information was requested in writing, the applicant signed off or initialed the request. Dillinger stated we are not questioning what is in their jurisdiction, but when it becomes our jurisdiction we want more definitive information.

**Commissioner Committee Reports [3:50:53]**

**Public Safety Board**

Altman stated there will be coming before the Commissioners a proposed ordinance for a Public Safety Board which the Sheriff has initiated. The intent is that Hamilton County and the law enforcement community sit as a Board and come up with ideas for training, etc. This ordinance would create the Public Safety Board and allow the jurisdictions to voluntarily join the Board. Any recommendation that this Board would come up with would not be binding on the entity if it has funding attached to it unless it is approved by the fiscal body.

**UASI**

Altman stated the 2006 UASI monies have been redefined as a region in terms of risk. Hamilton County is not specifically named, it is Marion County and the 10 mile radius surrounding Marion County will be included in the UASI Region. The State and Marion County maintains that UASI is Marion County and Hamilton County. She will be attending a conference in Houston which should clearly define how we proceed with 2006 monies. There is no minimum funding, it will be a risked base determination that Washington, D.C. will make by themselves. The deadline is March.

**Attorney [3:54:35]**

**Liability Trust Claim**

Howard requested approval of a Liability Trust Claim payable to Stephenson Morow & Semler in the amount of \$3,041.92. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

**Auditor [3:55:15]**

**O.W. Krohn CAFR Agreement**

Ms. Robin Mills requested approval of the O.W. Krohn Agreement for preparation of the 2005 Comprehensive Annual Financial Report (CAFR). Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

**Kronos Reports**

Holt asked the Auditor to prepare a brief executive summary of the Kronos summaries that were submitted to the Commissioners.

**Acceptance of Bonds/Letters of Credit - Drainage Board**

Mills requested acceptance of Bonds and Letters of Credit for the Drainage Board. 1) HCDB-2005-00127 - Developers Surety and Indemnity Company Subdivision Performance Bond No. 717415S for Aberdeen Bend monummentation - \$10,200.00. (Rider changing obligee's name on bond to the Hamilton County Board of Commissioners). 2) HCDB-2005-00128 - Developers Surety and Indemnity Company Subdivision Performance Bond No. 717414S for Aberdeen Bend Erosion Control - \$51,378.00. (Rider changing obligee's name on bond to the Hamilton County Board of Commissioners). 3) HCDB-2005-00129 - Developers Surety and Indemnity Company Subdivision Performance Bond No. 717413S for Aberdeen Bend Subsurface Drains - \$58,159.00. (Rider changing obligee's name on bond to the Hamilton County Board of Commissioners). 4) HCDB-2005-00130 - Developers Surety and Indemnity Company Subdivision Performance Bond No. 717412S for Aberdeen Bend Storm Sewers - \$295,875.00. (Rider changing obligee's name on bond to the Hamilton County Board of Commissioners). 5) HCDB-2005-00140 - Bond Safeguard Insurance Company Subdivision Bond No. 5020345 for Oak Manor, Section 3 off-site storm sewer - \$98,300.00. 6) HCDB-2005-00141 - Bond Safeguard Insurance Company Subdivision Bond No. 5018425 for Overbrook Farms Section 1 storm sewers, erosion control, sub-surface drain, monuments and markers - \$756,592.80. 7) HCDB-2005-00136 - First National Bank & Trust Irrevocable Standby Letter of Credit No. 0769749-3475 for reconstruction of the Canal Place Regulated Drain Thomas West Drain across Strongbow Gate - \$23,675.00. 8) HCDB-2005-00137 - Bond Safeguard Insurance Company Subdivision Bond no. 5020234 for Little Farms Subdivision erosion control - \$5,548.20. 9) HCDB-2005-00138 - Bond Safeguard Insurance Company Subdivision Bond No. 5020235 for Little Farms Subdivision monuments - \$1,475.00. 10) HCDB-2005-00139 - Bond Safeguard Insurance Company Subdivision Bond No. 5020233 for Little Farms Subdivision storm sewers - \$52,120.80. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

**Release of Bonds/Letters of Credit - Drainage Board**

Mills requested release of Bonds and Letters of Credit for the Drainage Board. 1) HCDB-2003-00047 - Gulf Insurance Company Subdivision Bond No. B21879818 for Long Branch Estates Section 3 - storm sewers, subsurface drains, erosion control and monummentation - \$169,931.00. 2) HCDB-2004-00098 - Bond Safeguard Insurance Company Subdivision Bond No. 5014466 for Maple Knoll Section 1 - storm sewers, erosion control and monummentation - \$4663,512.00. 3) HCDB-2005-00013 - Huntington National Bank Irrevocable Standby Letter of Credit No. OSB.003272 for Lakeside Park Section 4 storm sewers - \$143,310.00. 4) HCDB-2005-00014 - Huntington National Bank Irrevocable Standby Letter of Credit No. OSB.003257 for Lakeside Park Section 3 - storm sewers - \$72,344.40. 5) HCDB-2005-00016 - Huntington National Bank Irrevocable Standby Letter of Credit No. OSB.003299 for Lakeside Park, Section 4 - erosion control - \$31,498.00. 6) HCDB-2005-00016 - Huntington National Bank Irrevocable Standby Letter of Credit - No. OSB.003297 for Lakeside Park Section 4 - subsurface drains - \$28,731.00. 7) HCDB-2005-00017 - Huntington National Bank Irrevocable Standby Letter of Credit No. OSB.003298 for Lakeside Park Section 3 - erosion control - \$32,808.00. 8) HCDB-2005-00018 - Huntington National Bank Irrevocable Letter of Credit No. OSB.003296 for Lakeside Park Section 3 subsurface drains - \$18,944.00. 9) HCDB-B99013 - Frontier Insurance Company Performance Bond No. 129052 for Rosewood Section 3 - Krause & Klepfer Drain Reconstruction - \$118,252.00. 10) HCDB-B00-033 - Developers Surety and Indemnity Company Subdivision Performance Bond No. 885951S for Centennial Section 4 monuments and markers - \$12,500.00. 11) HCDB-B00-038 - Developers Surety and Indemnity Company Subdivision Performance Bond No. 885957S for Centennial Section 3 monuments and markers - \$21,300.00. 12) HCDB-B01-006 - Developers Surety and Indemnity Company subdivision Performance Bond No. 526079S for Guilford Park storm sewers, subsurface drains and erosion control - \$290,000.00. 13) HCDB-2002-00359

HAMILTON COUNTY BOARD OF COMMISSIONERS  
JANUARY 9, 2006

- Developers Surety and Indemnity Company Subdivision Performance bond No. 887716S for Centennial Section 8 storm sewers and subsurface drains - \$364,091.00. 14) HCDB-2002-00360 - Developers Surety and Indemnity Company Subdivision Performance Bond No. 887724S for Centennial Section 8 erosion control - \$49,500.00. 15) HCDB-2003-000561 - Developers Surety and Indemnity Company Subdivision Performance Bond No. 888617S for Centennial Section 9 erosion control - \$42,610.00. 16) HCDB-2003-00052 - Developers Surety and Indemnity Company Subdivision Performance Bond #888621S for Centennial Section 9 storm sewers and subsurface drains - \$445,720.00. 17) HCDB-2004-00004 - Bond Safeguard Insurance Company Subdivision Rider No. 526079S for Guildford Park Bond Rider reduction - \$8,000.00. 18) HCDB-2004-00013 - Fifth Third Bank Letter of Credit No. CIS402159 for Marina Village Duplex storm sewers and subsurface drains - \$58,015.00. 19) HCDB-2004-00014 - Fifth Third Bank Letter of Credit No. CIS402158 for Marina Village Duplex erosion control - \$35,000.00. 20) HCDB-2004-00015 - Fifth Third Bank Letter of Credit No. CIS402157 for Marina Village Duplex monumentation - \$3,500.00. 21) HCDB-2005-00015 - National City Bank Standby Letter of Credit No. SCL011175 for The Trails at Hayden Run storm sewers - \$211,168.00. 22) HCDB-2005-00052 - National City Bank Standby Letter of Credit No. SCL011174 for the Trails at Hayden Run storm sewer (relocated drain) - \$23,792.00. 23) HCDB-2005-00053 - National City Bank Standby Letter of Credit No. SCL011173 for the Trails at Hayden Run erosion control - \$46,251.00. 24) HCDB-2005-00054 - National City Bank Standby Letter of Credit No. SCL011171 for the Trails at Hayden Run monuments - \$11,280.00. 25) HCDB-2005-00055 - National City Bank Standby Letter of Credit No. SCL011172 for the Trails at Hayden Run subsurface drains - \$50,603.00. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

**Clerk of the Circuit Court Monthly Report**

Mills requested acceptance of the November 2005 Monthly Report from the Clerk of the Circuit Court. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

**Treasurer's Monthly Report**

Mills requested acceptance of the November 2005 Monthly Report from the Treasurer. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

**Payroll Claims**

Mills requested approval of Payroll Claims for the period of December 5, 2005 thru December 18, 2005 and for December 19, 2006 thru January 1, 2006 paid January 13, 2006. Altman motioned to approve. Dillinger motioned to approve. Motion carried unanimously.

**Vendor Claims [3:58:06]**

Dillinger motioned to take the Vendor Claim from the Probation Department, tabled December 22, 2005, off the table. Altman seconded. Motion carried unanimously. Mills stated Madonna Roach requested that claim be pulled. No action is necessary.

Altman motioned to table the Prosecutor's vendor claim. Dillinger seconded. Motion carried unanimously.

Dillinger motioned to approve the Vendor Claims to be paid January 10, 2006. Altman seconded. Motion carried unanimously.

**Joint Retreat**

Mills stated the date for the Commissioner and County Council Retreat is set for February 22, 2006. Mills stated the Auditor's office will need a time and an agenda. Presidents from both bodies will set the agenda. Altman stated she would like to have 15 minutes to get direction from the Council on their willingness to fund some incentives for the Regional Transit Authority.

**Sheriff Vehicles**

Altman motioned to keep the totaled Sheriff's vehicle for parts and replace that vehicle out of the Liability Trust Fund. Dillinger seconded. Motion carried unanimously.

Altman motioned to sell the Sheriff's vehicle (Intrepid) for salvage, return the salvage value to the Sheriff's budget and then if they have a need to replace the vehicle they can approach the Commissioners at that point. Dillinger seconded. Motion carried unanimously.

**Executive Sessions**

Mills asked how she should advertise the Executive Sessions for January 23 and January 25 regarding Performance Appraisals and Handbook Revisions. The Auditor will advertise Executive Session on January 23 at 1:00 p.m. for regular Executive Session business. An Executive Session will be held on January 25th at 8:00 a.m. unless Altman can not attend then she will contact Swift. This session will be for Performance Appraisals and Handbook Revisions.

Altman motioned to adjourn. Dillinger seconded. Motion carried unanimously.

**Commissioners Correspondence**

Carmel Comprehensive Plan Letter from Paul Shoopman

Property Tax Letter from Manish & Tricia Gandhi

DNR Archaeological Records Check for Bridge #133

DLGF Data Requirements Notice and SPTRC Withholding Memorandum

Beam, Longest and Neff Notice of Transmittals:

Bridge #208, Field Drive over White River

Bridge #133, East 186th Street over Stony Creek

IDEM Notice of Sewer Permit Applications:

116th Street Centre - Carmel

Chapel Woods, Section 2 & 3 - Noblesville

Fidelity on Meridian - Carmel

First Farmers Bank & Trust - Sheridan

Marilyn Ridge, Section 3 - Noblesville

Westfield Wastewater Treatment Facility - Westfield

IDEM Notice of Sanitary sewer Construction Permit Applications:

Allison Estates - Fishers

Carriage Manor at Saxony, Section 2 - Fishers

Cardinal Pointe - Fishers



HAMILTON COUNTY BOARD OF COMMISSIONERS  
JANUARY 9, 2006

Chapel Woods, Sections 2 & 3 - Noblesville  
Heather Knolls, Section 2 - Carmel  
Geist Crossing - Fishers  
Georgia Road Lift Station - Fishers  
Bee Camp Lift Station - Fishers  
The boulders, Section 1 - Fishers  
The Villas at Timberstone, Section 1 - Fishers  
Timberstone, Section 1 - Fishers  
Strongbow Gate, Section 2 - Fishers  
Watercolors, Section 1 - Fishers  
Brooks Park, Section 1 - Fishers  
Westbrooke at Giest, Section 1 & 2 - Fishers  
West Carmel Marketplace, Phase 1, Block G - Carmel

Certificates of Insurance:

Bright House Networks, LLC  
Pearson Ford, Inc.

**Present**

Christine Altman, Commissioner  
Steven C. Dillinger, Commissioner  
Steven A. Holt, Commissioner  
Robin M. Mills, Auditor  
Kim Rauch, Administrative Assistant to Auditor  
Fred Swift, Administrative Assistant to Commissioners  
Michael A. Howard, Attorney  
Darren Murphy, Attorney  
Doug Carter, Sheriff  
Brad Davis, Highway Director  
Jim Neal, Highway Engineer  
Virginia Hughes, Administrative Assistant to Highway Engineer  
Amber Emery, Highway Public Service Representative  
Mike McBride, Highway Technical Engineer  
Christopher Burt, Highway Staff Engineer  
Tim Knapp, Highway Right-of-Way Specialist  
Joel Thurman, Highway Project Engineer  
Matt Knight, Highway Staff Engineer  
Faraz Kahn, Highway Department  
Kathy Howard, Highway Department  
Bob Davis, Highway Superintendent  
Dave Richter, United Consulting Engineers  
Becki Wise, USI  
BJ Casali - ISSD  
Floyd Burroghs, FEBA  
Chris Badger, Badger Engineering  
Ron Bell, Williams Realty  
Julia Freije, Williams Realty  
Pam Dab, Williams Realty  
Gary Huff, Town of Fishers  
Michael Mergell, Clay Commons  
David Rump, Clay Commons  
Chris Pope, United Consulting Engineers  
Sharon Thomas, Citizen  
Judy Levine, Council on Aging  
Marcia Brown, Community Caring Foundation  
Billie Caldwell, Noblesville Township Trustee  
Vickie Thompson, Noblesville Township Trustee  
Pat Toschlog, Board of Voter Registration  
Pat Reynold, Board of Voter Registration  
Chris Sikich, Noblesville Ledger  
Troy Halsell, Noblesville Housing Authority  
Mark McConaghy, Noblesville Housing Authority

HAMILTON COUNTY BOARD OF COMMISSIONERS  
JANUARY 9, 2006

Crystal Keith, Noblesville Township Assistance Appeal  
Bob Hansen, Noblesville Daily Times  
Tammy Baitz, County Clerk  
Jerry Zheng, 2411 & 2413 Westfield Road

APPROVED  
HAMILTON COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_

Attest

\_\_\_\_\_  
Robin M. Mills, Auditor